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10/698,043	10/30/2003	Masamichi Akashi	CANO:097	1169
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,043

Applicant(s)

AKASHI, MASAMICHI

Examiner

Peter K. Huntsinger

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/02)
- Paper No(s)/Mail Date 10/03.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 4 is objected to because of the following informalities: In claim 4, line 2, replace "specifying" with "specifies." Appropriate correction is required.
3. Claims 6-8 are objected to because of the following informalities: In claims 6-8, in the last line of each claim, "the access restriction list" should be replaced with "an access restriction list." Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 8 is drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Parry '840.

Referring to claim 6, Parry '840 discloses a printing system comprising:

a server located on a network, for storing print data (Network Address 70 of Fig. 1, page 2, paragraph 30);

a host apparatus that transmits location data indicative of a location of said server on the network (block 100 of Fig. 2a, page 2, paragraph 33-37, detect network address in the data on line 55); and

a printing apparatus that receives and prints the print data from said server according to the location data acquired from said host apparatus (block 170 of Fig. 2b, page 3, paragraph 45, printer retrieves document from network address); and

wherein said printing apparatus comprises:

a decoding device that decodes data indicating whether access to at least one server on the network is to be permitted or not (page 3, paragraph 44-45, printer receives "PIN Invalid" or retrieves required document); and

a determination device that determines whether to permit or deny access to said server according to the contents of an access restriction list (block 150 of Fig. 2b, page 3, paragraph 44, determines whether a PIN number is valid for network address).

Referring to claim 7, Parry '840 discloses a method of controlling a printing apparatus having a location data acquiring device that acquires location data indicative of a location of a server located on a network and storing print data (block 100 of Fig. 2a, page 2, paragraph 33-37, detect network address in the data on line 55), and a reference printing function of receiving and printing the print data from the server according to the acquired location data (block 170 of Fig. 2b, page 3, paragraph 45, printer retrieves document from network address), comprising the steps of:

decoding data indicating whether access to at least one server on the network is to be permitted or not (page 3, paragraph 44-45, printer receives "PIN Invalid" or retrieves required document); and

selectively permitting or denying access of the printing apparatus to the server, corresponding to the location data acquired from the location data acquiring device,

according to the contents of an access restriction list (block 150 of Fig. 2b, page 3, paragraph 44, determines whether a PIN number is valid for network address).

Referring to claim 8, see the rejection of claim 7 above.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry '840 in view of Kim '907.

Referring to claim 1, Parry '840 discloses a printing apparatus that performs printing based on data acquired from a server on a network (page 1, paragraph 2, printer retrieves and prints a document from a network address), comprising:

an input device that inputs data identification data for identifying data stored in the server on the network (page 2, paragraph 37, printer detects network address, document type identifier, and pin #);

a registration device that registers server identification data for identifying the server on the network, according to input from a user (page 3, paragraph 44-45, stored PIN number of network address); and

a determination device that compares the data identification data input by said input device with the server identification data registered by said registration device to

determine whether to acquire data from the server on the network (block 150 of Fig. 2b, page 3, paragraph 44, determines whether a PIN number is valid for network address).

Parry '840 does not disclose expressly that the registration device and the determination device are located within the printing apparatus.

Kim '907 discloses a register device that registers access control and a determination device that compares access control with user input to enable printing (col. 5, lines 4-30, determines whether input secret code is same as recorded in print type information).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to determine whether to acquire server data at the printer instead of the server. The motivation for doing so would have been to prevent any unauthorized use of the printer. Therefore, it would have been obvious to combine Kim '907 with Parry '840 to obtain the invention as specified in claim 1.

Referring to claim 2, Parry '840 discloses wherein server identification data identifying at least one server from which data is permitted to be acquired or server identification data identifying at least one server from which data is inhibited from being acquired is registered (page 3, paragraph 44-45, if PIN number is valid, permits printer to retrieve requested document from network address).

Referring to claim 5, Parry '840 discloses an access control device that provides control to selectively permit or deny access to the server on the network according to a result of the determination made by said determination device (block 150 of Fig. 2b, page 3, paragraph 44, determines whether a PIN number is valid for network address).

10. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry '840 and Kim '907 as applied to claim 1 above, and further in view of Fan '706.

Referring to claim 3, Parry '840 discloses wherein said registration device registers the server identification data, but does not disclose expressly controlling access based on protocol.

Fan '706 discloses a device that specifies a protocol for access to the server and data indicating whether to permit access to the server by the protocol (step 406 of Fig. 4, col. 9, lines 16-31, packet authorized based on destination IP address and packet protocol).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to permit access to a server based on protocol. The motivation for doing so would have been to only authorize the protocols that are desired by the administrator. Therefore, it would have been obvious to combine Fan '706 with Parry '840 and Kim '907 to obtain the invention as specified in claim 3.

Referring to claim 4, Parry '840 discloses wherein said registration device registers the server identification data, but does not disclose expressly controlling access based on port number.

Fan '706 discloses a device that specifies a port for access to the server and data indicating whether to permit access to the server via a port number (step 406 of Fig. 4, col. 9, lines 16-31, packet authorized based on destination IP address and port number).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to permit access to a server based on port number. The motivation for doing so would have been to only authorize the port numbers that are desired by the administrator. Therefore, it would have been obvious to combine Fan '706 with Parry '840 and Kim '907 to obtain the invention as specified in claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2625

PKH

/Peter K Huntsinger/

Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625